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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

SARAH ELIZABETH ALEXANDER, an  
individual; ROBERT ROY ALEXANDER,  
an individual,

Plaintiffs,

vs.

COSTCO WHOLESALE CORPORATION  
dba Costco, a Foreign Corporation; VALLEY  
CONTAX INC., DOES I-X; and ROE  
BUSINESS ENTITIES XI-XX, inclusive,

Defendants.

Case No.: 2:21-cv-00509-APG-VCF

**STIPULATION AND ORDER FOR STAY  
OF DISCOVERY PENDING RULING OF  
PLAINTIFFS' MOTIONS FOR  
SPOILIATION OF EVIDENCE**

**(FIRST REQUEST)**

It is hereby Stipulated between Plaintiffs Sarah Elizabeth Alexander and Robert Roy Alexander, by and through counsel of record, Ash Marie Blackburn, Esq., of Mainor Wirth, LLP, Defendant Valley Contax, Inc., by and through counsel of record, Alan W. Westbrook, Esq. of Perry & Westbrook, P.C., and Defendant Costco Wholesale Corporation, by through counsel of record, Edgar Carranza, Esq., of Messner Reeves, LLP, that discovery in this action be stayed pending resolution of Plaintiffs' Motions for Spoliation of Evidence against each of the Defendants (ECF Nos. 31 and 32).

**I. PROCEDURAL HISTORY.**

On October 28, 2020, Plaintiffs filed their Complaint and Demand for Jury Trial in the Eighth Judicial District Court, District of Nevada.

On March 29, 2021, this matter was removed from the Eighth Judicial District Court to the United States District Court, District of Nevada. *See* Notice of Removal and Errata to Notice of Removal, (ECF No. 1 and ECF No.4).

On April 13, 2021, Defendant Costco filed its Statement of Removal, (ECF No. 7).

On April 28, 2021 the parties Joint Discovery Plan and Scheduling Order was granted (ECF. No. 10).

On December 15, 2021 the Parties First Stipulation and Order to Extend Discovery Plan and Scheduling Order was Granted (ECF No. 13).

On April 11, 2022 the Parties Second Stipulation and Order to Extend Discovery Plan and Scheduling Order was Granted (ECF No. 15).

On September 19, 2022 the Parties Third Stipulation and Order to Extend Discovery Plan and Scheduling Order was Granted (ECF No. 22).

On December 7, 2022 the Parties Fourth Stipulation and Order to Extend Discovery Plan and Scheduling Order was Granted (ECF No. 28).

On April 4, 2023 the Parties Fifth Stipulation and Order to Extend Discovery Plan and Scheduling Order was Granted (ECF No. 30).

On July 19, 2023 Plaintiffs filed their Motion For Spoliation of Evidence Against Defendant Costco Wholesale Corporation (ECF No. 31).

On July 19, 2023 Plaintiffs filed their Motion For Spoliation of Evidence Against Defendant Valley Contax, Inc. (ECF No. 32).

Defendant Costco Wholesale Corporation's Response to Plaintiff's Motion for Spoliation of Evidence is currently due on August 2, 2023.

1 Defendant Valley Contax, Inc.’s Response to Plaintiff’s Motion for Spoliation of  
2 Evidence is currently due on August 2, 2023.

3 **II. LEGAL ARGUMENT**

4 The district court has “wide discretion in controlling discovery.” *Little v. Seattle*, 863  
5 F.2d 681, 685 (9th Cir. 1988); see also Fed. R. Civ. P. 26(d)(1) (describing the court’s ability to  
6 limit the scope of discovery). Ultimately, when deciding whether to grant a stay of discovery, a  
7 court is guided by the objectives of Federal Rule of Civil Procedure 1 that ensures a “just, speedy,  
8 and inexpensive determination of every action.” *Schrader v. Wynn Las Vegas, LLC*, 2021 WL  
9 4810324, \*3 (D. Nev. Oct. 14, 2021) (quoting Fed. R. Civ. P. 1); see also *Tradebay, LLC v. eBay,*  
10 *Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011) (explaining that courts evaluating the propriety of a stay  
11 have cautioned against the use of resources that may be rendered unnecessary, noting the simple,  
12 but accurate principle: “Discovery is expensive”).

13  
14 Plaintiffs Motions for Spoliation of Evidence against each Defendant are pending before  
15 the Court and are seeking the ultimate sanction of striking each Defendant’s answer. *See* ECF  
16 Nos. 31 and 32. Additional lesser sanctions are also outlined and requested in the Motions if this  
17 Court does not find grounds to strike. *Id.* Responsive pleadings from each Defendant are currently  
18 due August 2, 2023. The Parties have agreed that discovery should be stayed until the Court has  
19 decided the Motions for Spoliation of Evidence. Since the Court’s ruling(s) on the Motions for  
20 Spoliation of Evidence could potentially result in dismissal of parts of Defendants’ case, it would  
21 be an inefficient use of resources to engage in additional discovery prior to the Court’s ruling.  
22 *See Sibley v. U.S. Sup. Ct.*, 786 F. Supp. 2d 338, 346 (D.D.C. 2011) (“[I]t is well settled that  
23 discovery is generally considered inappropriate while a motion that would be thoroughly  
24 dispositive of the claims in the Complaint is pending.”).

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**III. CONCLUSION**

For the foregoing reasons, the Parties respectfully request the Court stay all discovery until a decision is issued on Plaintiffs' Motions for Spoliation of Evidence.

Dated this 25th day of July, 2023.  
**PERRY & WESTBROOK**

/s/ Alan Westbrook  
ALAN W. WESTBROOK, ESQ.  
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*Attorney for Defendant Valley Contax Inc.*

Dated this 25th day of July, 2023.  
**MAINOR WIRTH, LLP**

/s/ Ash Marie Blackburn  
ASH MARIE BLACKBURN, ESQ.  
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Dated this 25th day of July, 2023.  
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**IT IS SO ORDERED.**

DATED this 27<sup>th</sup> day of July, 2023.

  
UNITED STATES MAGISTRATE JUDGE